

CHAPTER 10

TEXT AMENDMENTS & GENERAL USE REZONING

10.1 Applicability

Text amendment and zoning map amendments are intended to accommodate substantive changes that are consistent with the Moore County Land Use Plan and otherwise advance the public's health, safety, and general welfare. The Board of County Commissioners may, on its own motion, upon recommendation of the Planning Board, or upon petition by an interested person or parties, amend this Ordinance and zoning map. Rezoning applications shall be submitted by the owner or an agent with permission granted by the owner. Any interested party can initiate a text amendment.

10.2 Application Process

- A. Submittal. Following a required pre-application conference with the Administrator and a Project Review Team meeting with all departments, as determined necessary by the Administrator, the completed application shall be submitted at least 45 days prior to the Planning Board meeting at which it is to be heard. The Planning Department shall have 7 days from the date of submittal to notify the applicant that the application is complete. If the Planning Department determines the information is not sufficient for review, the Department shall notify the applicant of the specific information that is required for review. The applicant shall correct the identified deficiencies, and resubmit to the Planning Department within 7 days. Upon completion of the technical review, the Administrator shall prepare and forward the staff report any related application materials to the Planning Board.
- B. Planning Board. The Planning Board shall hold a legislative public hearing and shall review and make a recommendation of approval or denial to the Board of Commissioners that addresses Land Use Plan consistency and other matters as deemed appropriate by the Planning Board.
- C. Board of Commissioners. Prior to adopting, denying, or remanding any amendment request, the Board of Commissioners shall adopt one of the following statements which shall not be subject to judicial review:
 1. A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.

2. A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explain why the action taken is reasonable and in the public interest.
 3. A statement approving the zoning amendment and containing at least all of the following:
 - i. A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan.
 - ii. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.
 - iii. Why the action was reasonable and in the public interest.
- D. Notification of Decision. The Administrator shall mail the formal written copy of the decision to the applicant and/or the property owners of the petitioned property. There may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until 12 months have elapsed from the date of denial. Exceptions to this limitation include requests originating from the Board of Commissioners, Planning Board, Board of Adjustment or County Administration.
- E. Appeals to Court. Text amendment and zoning map amendment decisions shall be appealed to Superior Court pursuant to Section 2.1(C).

10.3 Notice of Public Hearings

- A. Mailed Notice. Whenever there is a rezoning request, the Administrator shall notify by certified mail return receipt of the public hearings to the applicant(s), the owner(s) of the parcel(s) owned per the most recent deed recorded in the Register of Deeds Office, and all property owners of abutting properties (as the last addresses listed in the County tax records) at least 10 but not more than 25 days prior to the date of each public hearing.
- B. Published Notice. Notice of the public hearings for proposed text amendments and rezoning requests shall be published in a newspaper of general circulation once a week for 2 consecutive weeks prior to each public hearing pursuant to NCGS 153A-323.
- C. Posted Notice. A sign shall be posted on the property to be rezoned, abutting to the road(s) or easement(s), not less than 10 days prior to each public hearing. When multiple parcels are included, a posting on each parcel is not required, but the County shall post sufficient notices to provide reasonable notice.
- D. Fort Bragg Notification. Rezoning requests and text amendments that would change or affect the permitted uses of land located within 5 miles or less from the perimeter boundary of a military base shall be forwarded to the Regional Land Use Advisory Commission for review (NCGS 153A-323B) not less than 10 days or more than 25 days before the date fixed for the Board of Commissioners public hearing. Staff shall forward

RLUAC's analysis regarding the compatibility of the proposed changes with military operations at the base to the Board of Commissioners.

- E. Fifty Or More Parcels. If the application will result in changes to the zoning map for 50 parcels or more and owned by more than 50 different property owners the mailed notice may be replaced by a published notice per Section 10.3(B). The published advertisement shall not be less than one half of a newspaper page in size. Property owners who reside outside of the newspaper circulation area, according to the address listed in the most recent tax listing for the affected property, shall be notified according to the provisions of Section 10.3(A).